

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

MAGNOLIA ISLAND PLANTATION,
L.L.C., ET AL.

CIVIL ACTION NO. 5:18-CV-1526

V.

DISTRICT JUDGE: S. MAURICE HICKS, JR.

MAG. JUDGE: KAYLA D. MCCLUSKY

LUCKY FAMILY, L.L.C., ET AL.

JURY TRIAL DEMANDED

**DEFENDANT W. A. LUCKY, III'S MOTION TO DISMISS
FOR FAILURE TO STATE CIVIL RIGHTS CLAIMS**

NOW INTO COURT, through undersigned counsel, comes defendant W. A. Lucky, III ("Mr. Lucky"), who, pursuant to Federal Rule of Civil Procedure 12(b)(6), respectfully moves that plaintiffs' civil rights claims be dismissed with prejudice for failure to state a claim upon which relief can be granted, alleging:

1.

By their *Seconded Amended and Restated Complaint to Annul Sheriff's Sale and for Other Relief*, Rec. Doc. 186, Magnolia Island Plantation, L.L.C. and Barbara Marie Carey Lollar have asserted multiple federal and state claims against the defendants. This motion deals with a subset of those claims: plaintiffs' federal and state civil rights claims against Mr. Lucky, a private citizen. Because Mr. Lucky is a private party and was not state actor or acting under of color of law, plaintiffs' federal and state civil rights claims against him should be dismissed with prejudice.

WHEREFORE, DEFENDANT W. A. LUCKY, III prays that this motion be granted and that plaintiffs' civil rights claims based on alleged violations of federal and state constitutional law be dismissed with prejudice.

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